

REMARKS

The Examiner is thanked for indicating that claims 4-5 and 14-15 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By the Response, independent claims 1 and 10 have been amended recite the allowable features of claims 4 and 14, respectively. Claims 4 and 14 have been cancelled. Claims 6-9 have been withdrawn previously. No new matter has been added. Accordingly, claims 1-3, 5, 10-13, and 15 are respectfully submitted for consideration. Approval and entry of the amendments are respectfully requested.

2. Claim rejections under 35 U.S.C. §112, 2nd paragraph

With respect to the rejection of claims 1-5 and 10-15 under 35 U.S.C. §112, 2nd paragraph, Applicant respectfully traverses the rejection for the reasons provided below.

The Examiner alleges that Vdd power supply conductive pattern 18 and Vss conductive pattern 20 read on Applicant's claimed "interconnect patterns", as "conductive patterns" are meant to function the same. In response, Applicant respectfully submits that "interconnect" has specific meaning in the art. For example, referring to lines 1-7 in page 4 of the specification, Vdd power supply conductive pattern 18 and Vss conductive pattern 20 are clearly differentiated from interconnect patterns 22, 24, and 26 and contacts 30, 32, 34, and 36. Hence, broadly interpreting Vdd and Vss conductive pattern as functionally the same as Applicant's claimed "interconnect patterns and contacts" is improper, as such an interpretation is contrary to the meaning in the art and to the descriptions provided in the specification.

In view of the arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §112, 2nd paragraph, rejections of claims 1-5 and 10-15.

3. Claim rejections under 35 U.S.C. §101

With respect to the rejection of claims 1-5 and 10-15 under 35 U.S.C. §101, Applicant respectfully traverses the rejection for the reasons provided below.

The Examiner contends that the claimed method of designing a circuit layout of a semiconductor integrated circuit does not have either a) physical transformation and/or b) be tied to another statutory class. In response, Applicant respectfully submits that the physical transformation is clearly shown in each of the steps recited in the method claims. By following the claimed method, an integrated circuit incorporating a spare underground cell is realized.

In view of the amendments and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §101, rejections of claims 1-5 and 10-15.

4. Rejection under 35 U.S.C. §102(b) and §103(a)

With respect to the rejection of claims 1, 2, 10, 11, and 12 under 35 U.S.C. §102(b) as being anticipated by Dillon (US 6,093,214), and with respect to the rejection of claims 3 and 13 under 35 U.S.C. §103(a) as being unpatentable over Dillon in view of Solomon (US 6,446,248), the amendment to independent claims 1 and 10 with all of the allowable features of claims 4 and 14, respectively, has rendered the rejections moot.

In view of the amendment and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §102(b) and §103(a) rejections of claims 1-3 and 10-13.

5. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-3, 5, 10-13, and 15 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

Respectfully submitted,

/Donald R. Stuebaker/
Donald R. Stuebaker
Registration No. 32,815

Stuebaker & Brackett PC
One Fountain Square
11911 Freedom Drive
Suite 750
Reston, Virginia 20190
(703) 390-9051
Fax: (703) 390-1277
don.stuebaker@sbpatentlaw.com